

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
GAINESVILLE DIVISION**

IN RE:	)	
	)	
C&M ELECTRICAL CONTRACTORS,	)	
INC., et al., <sup>1</sup>	)	CASE NO. 22-20649-JRS
	)	
DEBTOR.	)	CHAPTER 11
	)	

**SECOND AMENDED FIRST AND FINAL APPLICATION FOR  
SUBCHAPTER V TRUSTEE FEES AS TO ESCO RENTAL ONLY**

Tamara Miles Ogier, Subchapter V Trustee, hereby requests pursuant to 11 U.S.C. § 330 allowance and payment of \$2,340.00 in fees and \$31.30 in expenses for her work as Subchapter V Trustee and shows this Honorable Court the following:

1.

Esco Rental, LLC, (“Debtor”) filed a voluntary bankruptcy petition under Chapter 11 Subchapter V of the United States Bankruptcy Code (11 U.S.C. §§ 101, et seq.) on July 14, 2022 (the “Petition Date”). Tamara Miles Ogier (“Sub V Trustee”) was appointed as the Subchapter V Trustee on the same day.

2.

The Sub V Trustee has performed the services necessary in this case and required by a Subchapter V trustee pursuant to 11 U.S.C. § 1183. Specifically, the Sub V Trustee appeared and was heard at the status conference under section 1188 of this title, attended and participated in the initial debtor interview and the § 341 meeting of creditors, reviewed various pleadings and monitored all filings in the case.

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtors’ federal tax identification numbers are: C & M Electrical Contractors, Inc. (8140) and ESCO RENTAL, LLC (4789).

3.

The Sub V Trustee kept records of her time on a regular basis and bills said the rate set forth in the attached Exhibit A, which are reasonable charges for her time. Time devoted to the case is set forth on the time records attached as Exhibit A.

4.

A reasonable charge for all services rendered in this matter would be \$2,340.00 in fees and \$31.30 in expenses based upon the hours devoted, the results obtained and the rate of charge.

5.

No payments have been made or promised to the Applicant for services rendered during this period or to be rendered in any capacity whatsoever in connection with the case.

6.

No agreement or understanding exists between the Applicant and any other person for the sharing of compensation received or to be received for services rendered in or in connection with the case.

7.

The fee requested is reasonable compensation for the services rendered in this case pursuant to 11 U.S.C. § 330(a)(3). The time spent on the services was reasonable. The rates charged by the Applicant are reasonable and similar to rates charged by herself and others for a case of this complexity. The services were necessary for the administration of the case and completed to fulfill the Applicant's statutory duties pursuant to 11 U.S.C. § 1183. The services were performed within a reasonable amount

of time commensurate with the complexity, importance and nature of the problem, issue or task addressed.

8.

All creditors have been paid in full in the Esco case and the dismissal is imminent. Therefore, in conjunction with Debtor's counsel and the United States Trustee, the Subchapter V Trustee will seek to have this heard on shorter notice at the hearing on dismissal of the case. Fees will be separately applied for in the companion C&M Electrical Contractors, Inc. case.

**WHEREFORE**, Tamara Miles Ogier, Subchapter V Trustee, hereby requests allowance under 11 U.S.C. § 330 and payment of \$2,340.00 in fees and \$31.30 in expenses and such other and further relief as is just.

OGIER, ROTHSCHILD & ROSENFELD, P.C.

By: /s/ Tamara Miles Ogier  
Tamara Miles Ogier  
Georgia Bar No. 550355

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March 28, 2023  
356-1

Matter No. 356-1  
SubV Trustee

Fees:			Hours/Rate	
07/25/22	TMO	Review documents and attend IDI	0.55 450.00/hr	247.50
08/05/22	TMO	Review schedules in ESCO case	0.50 450.00/hr	225.00
09/08/22	TMO	Prepare for and attend hearings on status conferences and motion to sell	0.50 450.00/hr	225.00
09/28/22	TMO	Brief conference with debtor's counsel re trajectory of case and UST motion	0.15 450.00/hr	67.50
10/13/22	TMO	Review plan and email from Ben and respond	0.40 450.00/hr	180.00
11/03/22	TMO	Review motion for bid procedures; email to Ben re questions about requirements and request alteration; prepare for and attend hearing	1.00 450.00/hr	450.00
12/07/22	TMO	Review sale information; attend hearing on sale	0.30 450.00/hr	135.00
01/20/23	TMO	Check status of operating reports and email debtor's counsel	0.15 450.00/hr	67.50
02/22/23	TMO	Review fee app	0.15 450.00/hr	67.50
03/06/23	TMO	Review motion to dismiss	0.30 450.00/hr	135.00

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03/07/23	TMO	Participate in call with Debtor's counsel and UST re dismissal of one case and proceeding with the other	0.20 450.00/hr	90.00
03/28/23	TMO	Call with UST and Debtors counsel; prepare emergency motion and fee application	1.00 450.00/hr	450.00
Hours:			5.20	
Total fees:				\$2,340.00

**Expenses:**

12/19/22	TMO	Postage		1.14
03/28/23	TMO	Mailout costs		30.16
Total expenses:				\$31.30

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**Billing Summary**

Previous balance	\$0.00
Payments & adjustments	0.00
Current fees & expenses	2,371.30
<b>Total now due</b>	<b>\$2,371.30</b>

**CERTIFICATE OF SERVICE**

This is to certify that I have on this day electronically filed the foregoing *Second Amended First & Final Application for Subchapter V Trustee Fees as to Esco Rental Only* using the Bankruptcy Court's Electronic Case Filing program, which sends a notice of and an accompanying link to the following parties who have appeared in this case under the Bankruptcy Court's Electronic Case Filing Program:

- **Benjamin R Keck** bkeck@kecklegal.com,  
2411851420@filings.docketbird.com, 9222034420@filings.docketbird.com
- **Office of the United States Trustee** ustpreion21.at.ecf@usdoj.gov
- **David S. Weidenbaum** david.s.weidenbaum@usdoj.gov

I further certify that on this day I caused a copy of this document to be served via U.S. Mail by depositing the same in the United States Mail, postage prepaid and addressed to the following:

Esco Rental, LLC  
PO Box 160  
Comer, GA 30629

This the 28th day of March, 2023

OGIER, ROTHSCHILD & ROSENFELD, P.C.

By: /s/ Tamara Miles Ogier  
Tamara Miles Ogier  
Georgia Bar No. 550355

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